

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Tanner L. Buechler, Task Force Officer, United States Department of Justice, Federal Bureau of Investigation (FBI), being duly sworn, state:

INTRODUCTION

1. I am a Detective with the Billings Police Department where I have been assigned to the Eastern Montana High Intensity Drug Trafficking Area (EMHIDTA) task force since 2017. I currently hold the title of Task Force Officer (TFO) for FBI Big Sky Western Transnational Organized Crime Task Force (BSWTOCTF) for the Billings, Montana Resident Agency. I have been employed with the Billings Police Department since September of 2007. During this time, I have conducted routine uniformed patrol responsibilities and as a Detective, I have investigated complex cases involving Drug Trafficking Organizations (DTO's). I have been a member of the Billings Police Departments SWAT team since 2011. During my time working in law enforcement, I have attended multiple training courses pertaining specifically to drug investigations. I have taken part in cooperating witness interviews, cooperating defendant interviews, and debriefs with confidential human sources as part of my assigned duties. The information contained in this affidavit is based on my own observations, training and experience and information provided to me by other task force members or other law enforcement officers.

2. Throughout my career, I have discussed with numerous law enforcement officers, cooperating defendants, and informants, the methods and practices used by gang members and narcotics distributors, and I am familiar with their typical methods of operation, including, the manufacturing, distribution, storage and transportation of narcotics, and the collection of money, which represents the proceeds of narcotics trafficking and money laundering.

DESCRIPTION

3. This Affidavit is submitted in support of a Criminal Complaint issued for Lyzette VARGAS with date of birth in February 1982, charging her with Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 841(a)(1). The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an FBI Task Force Officer, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

PROBABLE CAUSE

4. TFO Buechler had conducted a previous investigation around April of 2022. This investigation led to the identification of Lyzette VARGAS and information was obtained through a Mirandized statement that VARGAS was involved in trafficking illicit drugs around Montana out of Washington State. VARGAS' description had been obtained and verified through photographs.

5. Around the end of September 2022, Agents with Eastern Montana High Intensity Drug Trafficking Area task force (EMHIDTA) received intelligence from a source of information (SOI) that a female named "LIZ" was currently in Billings, Montana and distributing large amounts of "blues" which is a street name referring to fentanyl pills. The SOI also provided a vehicle description, a white KIA Optima, and a hotel location of the Sleep Inn, which "LIZ" was known to be staying.

6. Agent Henderson responded to the Sleep Inn and conducted surveillance. Agent Henderson observed one white Kia Optima in the parking lot and observed a Tennessee License plate number "2M52Y0" attached to the vehicle. A records query check would not provide a records return for the vehicle license plate number. A descriptor of "LIZ" was obtained from the SOI, and this description matched Lyzette VARGAS from the previous investigation.

7. On or around September 27, 2022, Agent Henderson located the White Kia Optima at the Howard Johnson Inn. Agents responded to the Howard Johnson Inn to conduct surveillance. TFO Buechler observed a small female getting in and out of the white Kia Optima. TFO Buechler observed this female to be Lyzette VARGAS.

8. VARGAS entered the driver's seat of the Kia Optima, and other individuals entered as passengers. VARGAS then drove out of the lot and a traffic stop was initiated on the vehicle a short distance later. As Billings Police Officer BEST approached the vehicle, the vehicle fled from him.

9. Agents with EMHIDTA task force located the vehicle parked in the area a short time later. Agents observed the vehicle to be unoccupied. A neighbor standing in their yard advised TFO Buechler that a male and a female exited the car and ran away from it a few moments before his arrival. The neighbor was able to take a photograph of the pair utilizing their cellular device. The neighbor produced the photograph to TFO Buechler. TFO Buechler observed a male in a red shirt holding a black satchel, and a female (VARGAS) holding a brown purse and a pink and white bag as they ran away.

10. Agents searched the area and located VARGAS fleeing from them on foot. After a struggle, VARGAS was placed into double locking handcuffs.

VARGAS was then escorted to a patrol vehicle. The male, Brandon CROSS had been apprehended a short time after VARGAS was taken into custody.

11. Agents searched the area for the black satchel and pink bag as neither individual had these items on their person at the time of apprehension. Agents located the items in the areas perspective to where they had been taken into custody. The pink bag was located in the same location where VARGAS was initially observed before she ran. The pink bag contained a large amount of white crystal substance, and a large amount of blue pills. The white crystal substance later tested presumptive positive as methamphetamine and weighed approximately 885.1 grams. The blue pills were not presumptive tested but weighed approximately 174.4 grams. These blue pills are stamped with “M30” which through training and experience are known to be fentanyl pills. Similar pills seized from other investigation with this same logo test positive for fentanyl through DEA laboratory testing.

CONCLUSION

12. Based upon my training, experience, and totality of the evidence noted herein, I believe probable cause exists that Lyzette VARGAS possessed with the intent to distribute Methamphetamine – a Schedule II controlled substance– in violation of Title 21, United States Code, Section 841(a)(1) and possessed with the intent to distribute fentanyl- a Schedule II substance- in violation of

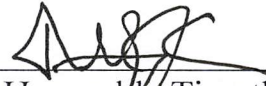
Title 21, united States Code, Section 841(a)(1) in the State and District of Montana on September 27th 2022.

13. I swear that the facts presented herein are true and accurate to the best of my knowledge.



Tanner Buechler
Task Force Officer
Federal Bureau of Investigation

SWORN TO BEFORE ME AND SIGNED BY ME PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 4.1 AND 4(D) ON THE 28 DAY OF SEPTEMBER 2022.



Honorable Timothy J. Cavan
United States Magistrate Judge
District of Montana